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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/262,809	03/05/99	ROBRAHN	D 24270-11827

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JENNER & BLOCK
ONE IBM PLAZA
CHICAGO IL 60611

QM12/0104

EXAMINER

MORAN, K

ART UNIT	PAPER NUMBER
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3741

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DATE MAILED:

01/04/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/262,809

Applicant(s)
Robrahn et al.

Examiner
Kate Moran

Group Art Unit
3741



☒ Responsive to communication(s) filed on Mar 5, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-49 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☒ Claim(s) 30-49 is/are allowed.

☒ Claim(s) 1, 5-7, 10, 13-22, 26, and 27 is/are rejected.

☒ Claim(s) 2-4, 8, 9, 11, 12, 23-25, 28, and 29 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Claim Objections

1. Claims 1-8 are objected to because of the following informalities: "disbursing" should be replaced by "dispersing". According to Webster's Dictionary, "disbursing" is defined as "paying out, making a payment in settlement of" and dispersing is defined as "breaking up, scattering, causing to spread widely". Therefore, "dispersing" appears to be the appropriate term in the context of claims 1-8. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5-7, 10, 13-22, and 26-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Beauchef. Beauchef discloses the invention as claimed. Beauchef teaches goggles having a front lens 2 and a frame 1 with a solid surface top section lacking any openings into the frame 1, side sections, and a bottom section which supports the front lens 2 in spaced relation in front of a wearer's face to define an interior space. Frame 1 further includes a plurality of front facing vents 5, or air scoops located along an elongated region of the forwardly facing region of

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frame 1, whereby an elongated channel is formed (Figure 2) in the top section, between the front facing vents 5 and the interior space, a dispersing means in the form of a rear wall is associated with the channel and located opposite the front facing vents 5, and first and second outlet vents 6 are located in the bottom section of each side of the frame 1. The rear wall includes a curved deflector portion 7 which curves toward the inside surface of the lens 2 and is located at a terminating end of the rear wall. The front facing vents 5, or inlet openings, are spaced from the outlet vents 6, or exit openings, also contiguous with the channel. The inlet openings appear to be of a greater area than a reduced area of the exit openings as seen in Figure 1. The solid surface of the top section includes a smooth helmet mating section which appears to have a generally curved shape allowing for adaption to a helmet. Figure 1 shows a first plurality of front facing vents located along a first elongated region spanning one side of the frame 1, and a second plurality of front facing vents located along a second elongated region spanning a different side of the frame 1. Further the elongated channel spans the first and second elongated regions to form an open air chamber spanning the length of the frame 1. With regard to claims 19 and 20, air scoops 5 appear to have opening dimensions greater than 10 mm. as seen in Figure 1. Also, the air scoops 5 have elongated shapes with major axes greater than 10 mm. and minor axes greater than 2 mm., with the major axes appearing to be at least twice as long as the minor axes.

Allowable Subject Matter

4. Claims 30-49 are allowed.

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6. Claims 2-4, 8-9, 11-12, 23-25, and 28-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamamoto, Nesler, and Dubach teach goggles with ventilation means.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine Moran whose telephone number is (703) 305-0452. The examiner can normally be reached on Monday-Thursday and alternating Fridays from 8:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert, can be reached on (703) 305-1025. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-0758.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

kmm

December 13, 1999


DIANA OLEKSA
PRIMARY EXAMINER